

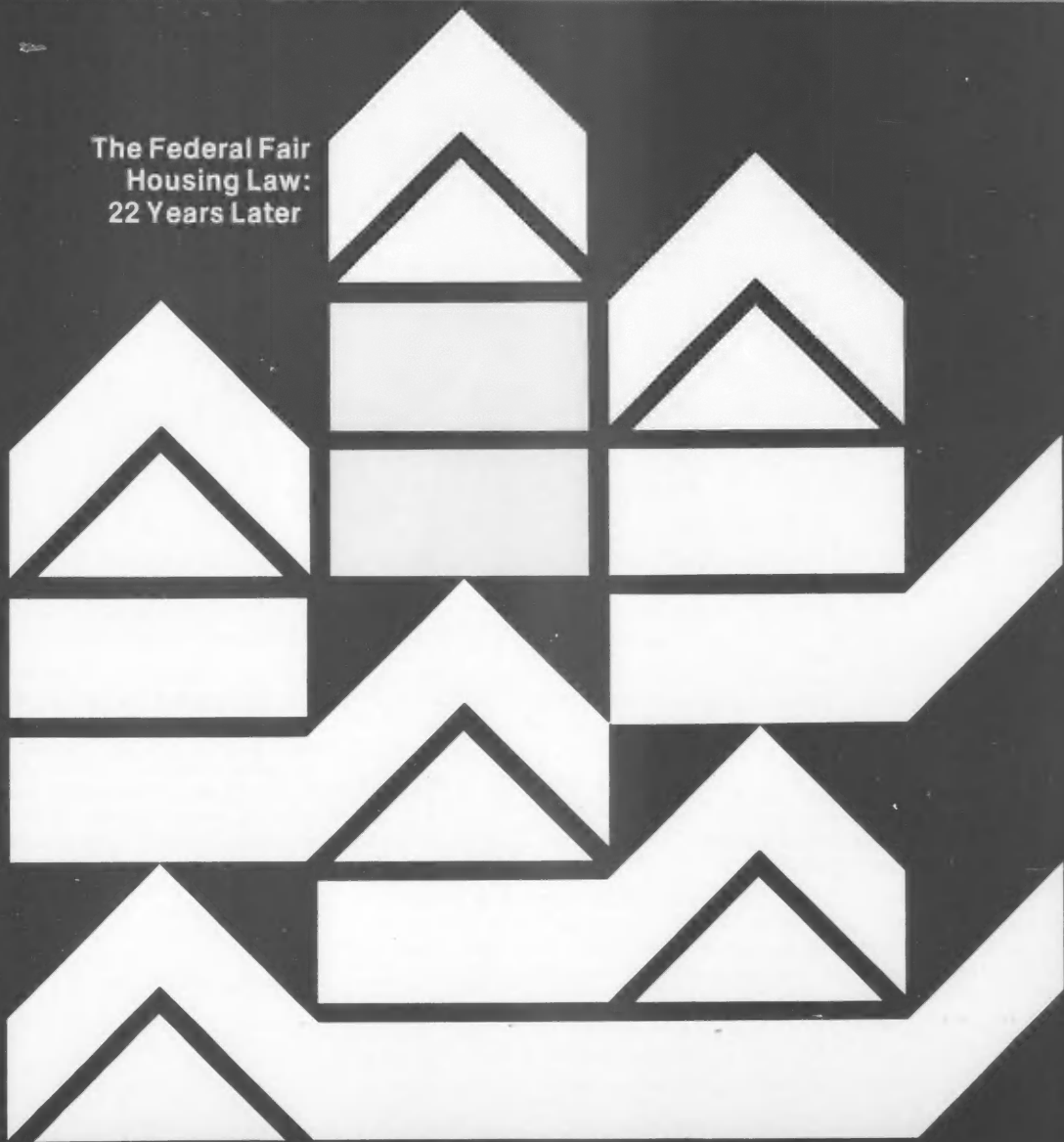


U.S. Department of Housing and Urban Development
Washington, D.C. 20410

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Challenge!

The Federal Fair
Housing Law:
22 Years Later



Beyond the Promise of Fair Housing

by Moon Landrieu
Secretary
U.S. Department of Housing and
Urban Development



Among the great challenges we still face as a Nation is the opening up of housing opportunities *equally* to people of all races and ethnic groups. Regrettably, enforcement efforts in this critical area have lagged. Therefore, we at HUD are seeking to strengthen the commitment to a realization of equal treatment in housing promised by Title VIII of the Civil Rights Act of 1968.

We should all be greatly concerned that 12 years after the 1968 Civil Rights Act, freedom of choice in housing remains an unfulfilled promise in some areas of this country. Passage of the Fair Housing

Amendments Act of 1980 will permit HUD to fully and fairly enforce our Nation's commitment to housing opportunity.

The Carter administration is determined to see that every American has the opportunity to live where he chooses to live, and that — for the sake of the future of this nation — we end once and for all discrimination in the field of housing. As long as discrimination in housing against anyone in this country exists, the promise of America remains unmet.

I have worked both in the public sector and the private sector. I have practiced law and worked as a real estate developer.

I have been a public servant at the local, State and Federal levels of government. It is perhaps because of these experiences that I feel so strongly that we can and should work cooperatively to rebuild hope as we rebuild cities, to reclaim optimism as we reclaim neighborhoods, to create equality of opportunity as we create a Nation that can truly offer adequate housing and livable cities to its people. I join the challenge before all Americans during this "Fair Housing Month" to renew the expectation that such noble goals can one day be met.

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Cover by Tom Mackall

2 Beyond the Promise of Fair Housing

4 **The Fair Housing Amendments: Opportunity to Fulfill a Promise** — Robert C. Weaver, the first Secretary of the U.S. Department of Housing and Urban Development, traces fair housing gains and deficiencies since the thirties, when the Federal Government first became involved with housing.

8 An Interview with Sterling Tucker

12 **New Horizons: An Innovative Approach to Fair Housing** — To help communities plan and carry out comprehensive fair housing strategies, HUD has instituted the New Horizons Fair Housing Assistance Project. How localities can implement New Horizons is described in this issue.

18 **The Meaning and Challenge of Fair Housing** — Fair housing means a lot of different things to different people. Widely held theories are outlined in Eleanor Clagett's article this month.

25 The Fair Housing Assistance Program

Departments

11 International Affairs

24 Looking Ahead

28 Notebook

31 Lines & Numbers

Editor's Note: Special credit is due Judith Andrews, *Challenge!* advisory board member and Special Assistant to HUD's Assistant Secretary for Fair Housing and Equal Opportunity. Ms. Andrews coordinated and assisted in the preparation of articles for this special issue on Title VIII.

RIGHT – Robert C. Weaver, first Secretary of the U.S. Department of Housing and Urban Development.

OPPOSITE – President Lyndon B. Johnson signs the Federal Fair Housing Law of the Civil Rights Act of 1968.



The Fair Housing Amendments: Opportunity to Fulfill a Promise

by Robert C. Weaver



As we observe this fair housing month, history seemingly repeats itself. Twelve years ago, Title VIII – The Federal Fair Housing Law – of the Civil Rights Act of 1968 was passed after years of struggle by fair housing groups and supporters for the legislation. Now after struggling with the

deficiencies of Title VIII, amendments have been introduced in Congress to bring about a comprehensive act to eradicate racial inequality in housing. These

amendments, with strong administration support, are the most important civil rights legislation pending in Congress this year.

When Title VIII was passed, an important victory had been won. The road to its

passage had been long and difficult. The Federal Government had first become involved with housing in the 1930's and there soon followed several housing agencies: the Federal Housing Administration, the Federal Home Loan Bank Board, the Public Housing Administration, and the Home Owners Loan Corporation. But from the outset these agencies followed exclusionary and racist policies that would continue for more than two decades.

In 1948, an aspect of housing discrimination was challenged by the Supreme Court. The case, *Shelly v. Kramer*, became the Nation's first break with housing discriminatory practices when the court held that racially restrictive covenants were unenforceable. The court's decision, however, did not bring about any appreciable change in racial housing patterns as the housing market continued with business as usual.

Realizing that a Federal Fair Housing Act would be long in coming, the National Committee Against Discrimination in Housing (NCDH), the NAACP, along with a growing number of local groups from around the country, shifted their attention during the fifties to getting State and local fair housing laws passed. Efforts continued, however, to achieve either a Federal fair housing law or a Presidential Executive order.

Finally, in 1962, the Federal Government reversed its longstanding racial policies in housing when President Kennedy issued Executive Order 11063, which prohibited discrimination in all Federal programs dealing with housing and community development. Although only 25 percent

of the housing market was covered by the Executive order, it was clear that Federal policy no longer sanctioned housing discrimination.

With the passage of Title VI of the 1964 Civil Rights Act, Congress joined the executive and judicial branches of Government in opposition to racial housing policies. Title VI expressed Congress's desire to put an end to segregation in federally-assisted programs. While Title VI was important — in that Congress was now clearly in opposition to racial discrimination and segregation — it would take Title VIII of the 1968 Civil Rights Act to bring significant governmental policy against housing discrimination.

Title VIII

Title VIII was, indeed, a major breakthrough. The Act provided coverage for 80 percent of the housing supply. Moreover, the Act required affirmative action by HUD and other Federal agencies to overcome the effects of the past in housing discrimination. Unfortunately, Title VIII did not provide for real enforcement machinery. Fair housing advocates who had worked for years for the legislation realized that if a fair housing bill was to be passed, a compromise would have to be made with the sections dealing with enforcement. Consequently, enforcement was left to case-by-case litigation by private citizens or "pattern and practice" suits by the U.S. Department of Justice. HUD, the agency primarily responsible for administration of the statute, had only conciliation to redress housing discrimination grievances. That this restricted enforcement power would prove largely ineffective was predictable. Actual proof of the deficiencies of enforcement became apparent when the Nixon administration continually upset HUD's efforts to fulfill the promises of the Act.

Now 12 years later, there is less doubt that enforcement has been the Achilles' heel of the Act. Progress has been made, but most often as a result of litigation by civil rights organizations such as NCDH, and the Department of Justice and private individuals. HUD has had only limited success with use of conciliation procedures.

The simple truth is that Title VIII has not been able to provide governmental action sufficient to change the discriminatory practices of the major institutions (banks, real estate firms, appraisers, etc.) of the housing industry. A national study recently conducted by NCDH under contract with HUD found just how severe discrimination remains in the real estate industry. Audits were conducted of 3,000 real estate offices and rental complexes in 40 Standard Metropolitan Statistical Areas. The study revealed that a black person visiting six rental offices would have an 85 percent chance of encountering discrimination at least once. As for sales, a black person visiting four real estate offices would have a 48 percent chance of encountering discrimination. HUD, which was solely responsible for analyzing the data, adopted a conservative approach in its interpretation of the study and concluded that even these shocking findings are understated.

Moreover, public knowledge of Title VIII strongly suggests that enforcement has been inadequate. A study in the city of Detroit found that of those surveyed, 37 percent of whites and 52 percent of blacks were unaware that laws existed prohibiting housing discrimination. Certainly this lack of knowledge can be attributed in part to a failure to adequately publicize the existence of open housing

laws. But it is far more likely that Detroit's citizens do not often hear of the prosecution and conviction of those individuals and real estate brokers who frequently violate the Fair Housing Act. They shouldn't, of course, because as the study found, violators are rarely censured.

Some may argue that Title VIII has opened up the traditional all-white suburbs, citing census data which finds an acceleration of black migration to these areas. Others who have gone on to study the data contend, however, that black suburbanization does not necessarily represent desegregation, but might actually be "resegregation." Blacks, in many cases, who are migrating to the suburbs are merely relocating into black enclaves which are spillovers from adjoining central cities. The lesson here is that when blacks *do* find additional housing possibilities, it is often in segregated areas.

New Strength Sought

Accordingly, because of the record so far attained and the current state of affairs, the fair housing amendments now before Congress represent a chance to make good on the equal housing opportunity promised in 1968. While the amendments strengthen Title VIII in many ways, administrative enforcement is the most important change. The amendments will give HUD the authority to act expeditiously on individual complaints and to bring about systemic reform with respect to those institutions which figure prominently in housing discrimination. More specifically, HUD will no longer have to rely solely on conciliation, but will have the authority to issue cease and desist orders and to impose civil penalties up to \$10,000. These sanctions will surely provide deterrents to housing discrimination.

The amendments will also strengthen and clarify the Fair Housing Act in several

other areas. They will, for example, make it clear that both mortgage and property insurance redlining are unlawful. The amendments will also make it clear that all Federal departments and agencies are to "affirmatively" carry out the purposes of Title VIII. This provision is important because a number of Federal agencies have failed to take fair housing seriously. The amendments also deal with a number of other important areas including secondary market operations (prohibitions against mortgage lending discrimination apply), standing (liberal criteria as to who may seek judicial redress under the law), statute of limitations (a liberal length of time for an aggrieved party to file a charge and to bring a court action), and judicial relief (beneficial changes in the relief than can be secured in court actions).

Noteworthy, also, is that the amendments extend the protections of Title VIII to the handicapped. (Sex discrimination was prohibited in 1974.) Some of the specific protections provided for the handicapped include: the right to reasonably modify a rental housing unit (at the handicapped person's expense) so as to make it more accessible; and, the right to establish a group home for the handicapped so long as it complies with existing regulations of health and safety and an area's comprehensive land use plan.

Should Congress pass the Title VIII amendments, it will soon have to take additional steps if fair housing is to become a reality. There must be an adequate supply of affordable housing for lower- and moderate-income people. Congress had repeatedly failed to allocate funds necessary to reach the yearly goal of 600,000 units of assisted housing for lower-income people that was established in 1968. In light of the current housing

needs of lower-income people and the increasing costs of housing, 600,000 are not enough. It will be Congress's challenge to set a new, more realistic goal for assisted housing, a goal that it is dedicated to meet.

An adequate supply of housing, however, will not be enough. There also must be an effective demand for housing. This effective demand by lower-income people will be possible if housing is affordable and if there is income sufficient enough for them to take advantage of the available housing opportunities. Congress, therefore, must act to effectively redistribute income to the poorer people of our Nation.

As we consider the amendments as they go through the legislative process, and take note of the additional steps which are needed to assure fair housing, we must all bear in mind the pivotal role that housing plays in the struggle for equal opportunity. It is now well known that discrimination in housing, education, and employment reinforce each other, making it difficult to make progress in any one of them without consideration of the others. And of these three — education, employment, and housing — it is housing that has perhaps had the least basic progress. The opportunity, then, is now ours to fulfill a promise long yet made.

Dr. Weaver was the first Secretary of the U.S. Department of Housing and Urban Development. He is President of the National Committee Against Discrimination in Housing, Inc., which this year observes its 30th anniversary.



An Interview with Sterling Tucker

Mr. Tucker is HUD Assistant Secretary for Fair Housing and Equal Opportunity.

*Judith S. Andrews, Special Assistant,
Interviewed Mr. Tucker.*

Q — After a year as Assistant Secretary, what do you see as the real issues confronting the Office of Fair Housing and Equal Opportunity (FH/EO)?

A — First, we need a stronger law. Since its passage in 1968, the Federal Fair Housing Law has had an opportunity to be tested in every way. Now, I think it is clear that unless we get a stronger law, no real impact will be made in eliminating housing discrimination in America.

Secondly, while it is important to process every complaint fully and completely and vigorously, no matter how well we handle

individual complaints and no matter how successful we are in getting a resolution of them, it will not eliminate housing discrimination. It is really chasing the issue because the problem is systemic. Discriminatory housing practices occur in real estate practices and in insurance practices, in lending practices and zoning practices, and you can name a whole range of ways in which the problem manifests itself. Unless we approach housing discrimination in a broader way than simply complaint processing, we are not going to really reduce the size of the problem. When I say, therefore, that we need systemic alteration, I am really talking about altering the way systems and institutions relate to and serve people. Until we eliminate the practices of systems and institutions which are discriminatory, whether intended or not, we are not going to alter very much the patterns of living and the cost of housing in this country.

Q — In your travels around the country, what would you say is the prevailing attitude about fair housing?

A — Many people regard it as a white, middle-class 1950's-60's issue. And some

think that because we have a Federal Fair Housing Law, (Title VIII, Civil Rights Act), because some State and local governments started passing housing laws, and because of increased mobility by some minorities, that fair housing is an issue that's gone. Also, fair housing has taken a back seat to issues like housing costs and low- and moderate-income housing needs. Many don't see a relationship between housing costs and housing discrimination. Now, as we focus more on the high costs of housing, we can see there is a relationship between cost and mobility. Our task in FH/EO is to bring people back to some fundamental issues that they had written off.

Q — Mr. Tucker, you know there are some theorists who would say that race is a declining issue in this country. How do you feel about this?

A — Legally, this is true. I guess in official policy it is true. When we look at the whole picture, we do see some changes on the national scene which suggest there is



greater mobility for minorities and women than was the case some years ago. But if we look closely enough, we can still see the bunching up of the poor. We can still see the huddled masses in cities and suburbia. And as we look at the patterns of social and economic life, the inequities too often seem organized. Clearly race is a problem still. And to ignore it would carry us back to the period when we talked in terms of being color-blind. One reason our problem has been great is because we were, philosophically, color-blind, but in practice we were not. While we did not want to look at life in terms of color, operationally life functioned that way. So we have to be color-aware until there is no longer a color problem. Then we can afford to be color-blind. There are some who would like to think that discrimination is primarily economic; and there certainly is an economic factor. Those with greater income who are not white have greater mobility and greater opportunity, have greater exposure to housing opportunities, have greater opportunity in better neighborhoods. There was a time that even with money these opportunities were not available, so there is no question that things are better.

Q – What do you say to minority groups who say there is a scheme and a master plan to get minorities and the poor out of the cities? How do you comfort them and tell them there is another side to the story?

A – The only way to comfort them is to suggest that there is a master plan to house everybody decently in neighborhoods of their choice. Only when that happens will people have confidence in their leadership and be willing to be patient while the plans unfold. But when they see that pure economics is taking over and economics alone is dominating the way cities are developing and how they are growing, they become frightened in anticipation of massive dislocations and removal from their communities and their homes. When minorities see that there are cooperative relationships that can be developed with governmental agencies and they see agencies like HUD looking at this great urban design and trying to influence it in such a way as to create livable cities for the future, I believe they will become a little

more comfortable. Hence, the policy discussions we are having now in the Department are very important, because the decisions we make today will affect the way cities are to look in the future. These decisions will influence the way cities are developed for years to come.

Q – You often say, when you are speaking to groups, that you know that the Federal Government can't do this job alone. What do you mean?

A – First of all there is a general attitude out there toward the Federal Government of "Don't come, send money." We do a lot of that. We sent \$4.3 billion, for instance, in Community Development Block Grant money. We sent \$615 million in Urban Development Action Grant monies, and we send other monies from so many other programs. Communities can then develop their own plans, and we approve them. This gives the communities a large responsibility in putting together plans for their own cities. This is an important process because it brings real meaning to citizen participation and involvement in the local community. I

always try to get people to focus on what they can do, but it's easier to point the finger at the Federal Government. We Government officials travel and people say, "We have this problem." "Why do you have this problem?" Here is what we can do about it. I don't want to avoid any responsibility that is ours, that is Federal, but I don't want localities to avoid any responsibilities that are purely, or primarily, local. I know what local responsibility is. I have been in local government; I have been in local citizen pressure groups. I have been on both sides of the table in local communities, so I know what that responsibility is in helping to shape local and national policies. I know what they can do and I know how necessary this process is both to local governments and to the National Government.

But it seems to me that there are too many huge problems the local communities just don't want to tackle on their own. I don't want citizens to look only to Washington for answers. I am happy that there is that kind of confidence in us. While they often damn us, there is a sense of confidence they show in us. Citizens don't show quite that same confidence in the local governments, nor do local governments show quite the respect for the citizenry that they ought. In the long run local governments will be strong in their decisions and will have greater support for them when there is active citizen participation. I think it is essential.

Q — That brings up another issue about voluntary efforts. You know many people think voluntarism is a dead issue — something that really won't work in the 1980's. How do you feel about this?

A — It's a great mistake for people to feel that way. That's an escape in a couple of ways. It is escape from the challenge of the hard work that must go behind the implementation of law and policy. We wish we could just pass laws until the problems disappear and many people function that way; institutions often function that way. The feeling is: "The problem is gone now because we have the law." But, obviously, this isn't true. If that were the case, we could have had one or two Congresses pass all the laws we needed and then abolish the whole system. But we live in a dynamic society with continuing shifts in conditions and ideas; technology changes and people have different attitudes and different notions as a result of it. But laws must be implemented and people must do that. People need to shape policies. People need to shape direction. People need to take the lead.

Q — Finally, you often talk about a new direction. What is the direction for the 1980's in fair housing?

A — First, we have to recognize and admit that there is still a problem of housing discrimination. Our reports show that discrimination in housing is still widespread. A recent study found that blacks have a 48 percent chance of encountering discrimination when seeking to purchase a home and an 85 percent chance when seeking a rental unit. So, there is a problem, and until people recognize the problem, they will not be willing to devote much attention to it. Secondly, we need to pay more attention to policy development. We should not only try to catch up with a problem, but design our policies and our programs and planning in such a way that we achieve desirable goals. What ought we be doing now in shaping the direction of the cities of the future? This is the crucial question. As we look back now, 20 years ago such

programs as FHA had great impact upon city/suburban relationships. Because of FHA policies, in the 30's and the 40's, what was the country, the woods, is now suburbia with large population concentrations. Because fair housing considerations were not always present then, we find suburbia primarily middle-class and white and thus inadvertently creating problems for the cities. We have got to make sure that fair housing is not isolated from housing planning generally. We must make sure our policies can accommodate the needs of the dispossessed minorities, women, and others, so that we don't create problems for the future. We now are working to avoid the new urban crisis and at the same time we must work ourselves out of this one. So we can't be shortsighted. We have got to, it seems to me in the 80's, continue our efforts to house people as fast as we can; to give them a livable environment with a quality of life which is acceptable. We can't play musical chairs with the problem of housing discrimination. We can't play musical chairs with our policies toward bringing about equality of opportunity and freedom of choice. We must deal with hard issues and hard questions now so that progress is made faster and better.



Excerpted from proceedings of the seminar on Core Housing and Site and Services Projects, Cairo, Egypt.

Core Housing and Site and Services Projects for Low-Income Groups

Experiments in Core Housing and Site and Services projects have occurred in a number of countries. In Egypt, however, core housing and site and services projects are being considered as an option for alleviating the vast housing shortage. A seminar on this topic was held early last year in Cairo. Sponsors were Cairo University and the Massachusetts Institute of Technology research team on housing.

In small workshops, experts on core housing and site and services projects addressed the following issues:

1. Private Ownership

Private ownership in land and housing is considered one of the most important factors that encourage individuals to invest in housing. Ownership provides an incentive for families to mobilize their own resources in building and developing their housing as well as in encouraging their continued maintenance.

2. Developments in New, Isolated Areas

In the preliminary stages of developments located outside of existing urban areas, small, more complete expandable houses should be provided. They should consist of at least one room and utility core to enable residents to quickly utilize the dwelling. Since the residents of such projects are mostly new and do not know each other well, they cannot depend upon a cooperative system or other internal systems for financing, etc. Therefore, it is necessary to develop an administrative and financial system and the organizations responsible for its performance.

3. Developments Adjacent to Existing Cities

Most participants in the workshops agreed that the best solution for housing low-income groups in rapidly growing cities is to provide only a building site with attendant services, dependent on available resources. Individuals should be free to build their houses, while receiving all possible assistance.

4. Local Governments

The participants recommended strengthening of local governments and creating "units" or "project teams" which give the governorates administrative and financial independence, particularly in executing site and services types of projects.

5. Affordable Housing

Calculation of a family's ability to pay for housing should consider savings as well as income.

6. Subsidies

Most of the seminar participants agreed the financial assistance for low-income housing should only be through direct subsidies, perhaps in the form of building materials on a project site, free or low-cost land, etc. The objective is to provide assistance and support directly to the people who need it; and, in addition, not to oblige the government to bear long-term debts.

7. Collection of Payments

The attendant expenses associated with the collection of mortgage payments should be reviewed with the expected income. It is preferable not to depend on a collection mechanism and either to allow an initial subsidy with further costs, or to develop alternative collection mechanisms through cooperative societies, etc., which group the payments and encourage compliance through social pressure, etc. Prepayment should leave a wide enough margin to allow the user to expand the dwelling.

8. Standards and Regulations

Building and planning regulations and by-laws need to be reassessed to allow the construction of small, economical dwelling units which can be progressively developed.

9. Larger Lots

Most of the participants felt that the tendency toward smaller lots is undesirable. Careful consideration should be given to determining what constitutes the proper size, keeping in mind location of the lot, expected clients, and potential uses. The immediate savings in initial costs should be weighed in light of the longer term development of the lot and the area. A small lot that is too small is very difficult to expand and limited in its potential development.

10. Utilities

The cost of utilities does not vary from new developments skirting existing urban areas and new developments in isolated regions. The difference essentially is in the level of services provided, with a higher standard usually found in new areas.

11. Experimental Nature of Projects

Projects and current suggestions concerning core housing and site and services projects should be considered as experimental and should be monitored and evaluated before application on a large scale.

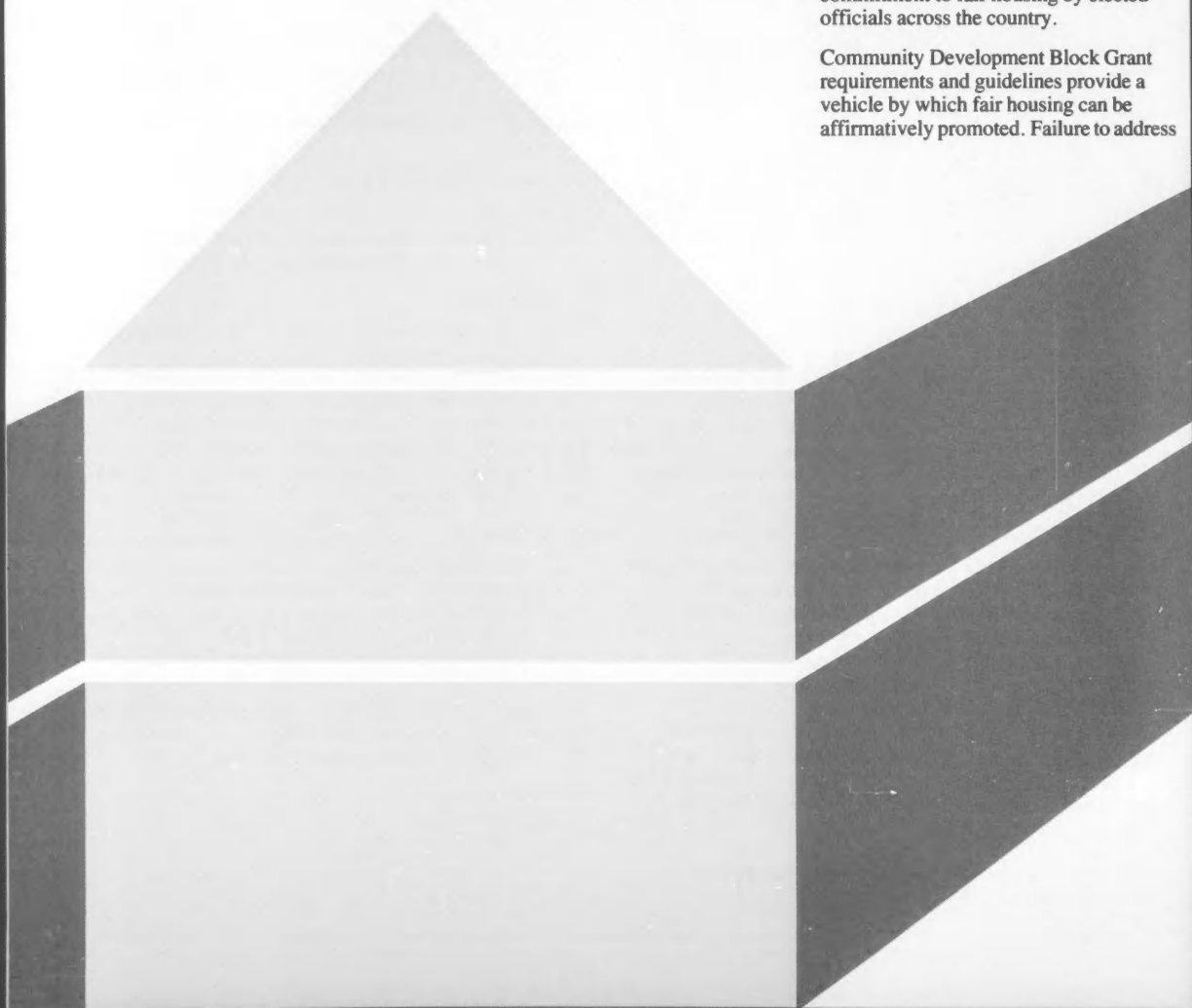
New Horizons: An Innovative Approach to Fair Housing

by Charles Mason

Municipal governments must take the lead in promoting fair housing. Numerous municipalities have formally assumed responsibility for affirmative promotion of fair housing in connection with their

participation in the Federal Community Development Block Grant (CDBG) Program. In applying for CDBG funds, a municipal government certifies that it *will take action to affirmatively further fair housing in the sale or rental of housing, and the provision of brokerage services.* This assurance is the legal cornerstone of a commitment to fair housing by elected officials across the country.

Community Development Block Grant requirements and guidelines provide a vehicle by which fair housing can be affirmatively promoted. Failure to address

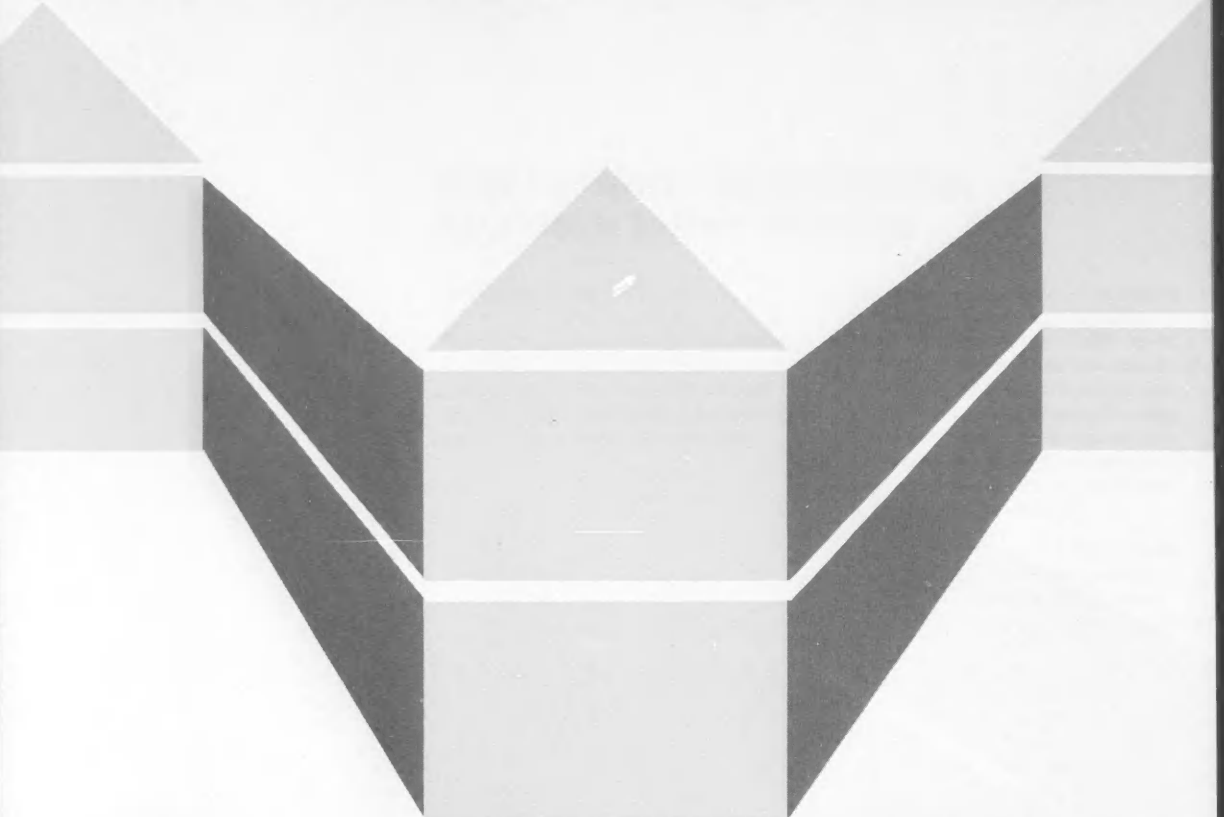




fair housing requirements adequately is not necessarily a matter of bad faith. Very often, local officials are simply unfamiliar with techniques by which fair housing can be promoted. Local fair housing activities have, to date, produced modest results in that the various agencies involved have tended to pursue a piecemeal program featuring one or a few techniques to the exclusion of others. Also, there has been the tendency of Federal, State, local-public, private agencies to "go-it-alone," each pursuing its own fair housing strategy. Additionally, such local factors as the communities' own experiences with Federal programs, their own social, economic, and political history, and their own community development problems must be considered. These usually present local communities with a unique combination of factors in adapting fair housing to their own needs and circumstances.

New Horizons

To address the Nation's goal of fair housing at the local level, the Office of Fair Housing and Equal Opportunity, Office of Voluntary Compliance, has developed the New Horizons Fair Housing Assistance Project to help communities plan and carry out comprehensive fair housing strategies. New Horizons is the planning instrument by which cities, towns, counties, States, and regional planning agencies can avail themselves of the expertise and information needed to participate in positive and innovative fair housing activities. The public and private sectors become partners to assure that all citizens are provided opportunities for equal access to the housing market and equal access to housing finance options. In planning and carrying out the promotion of



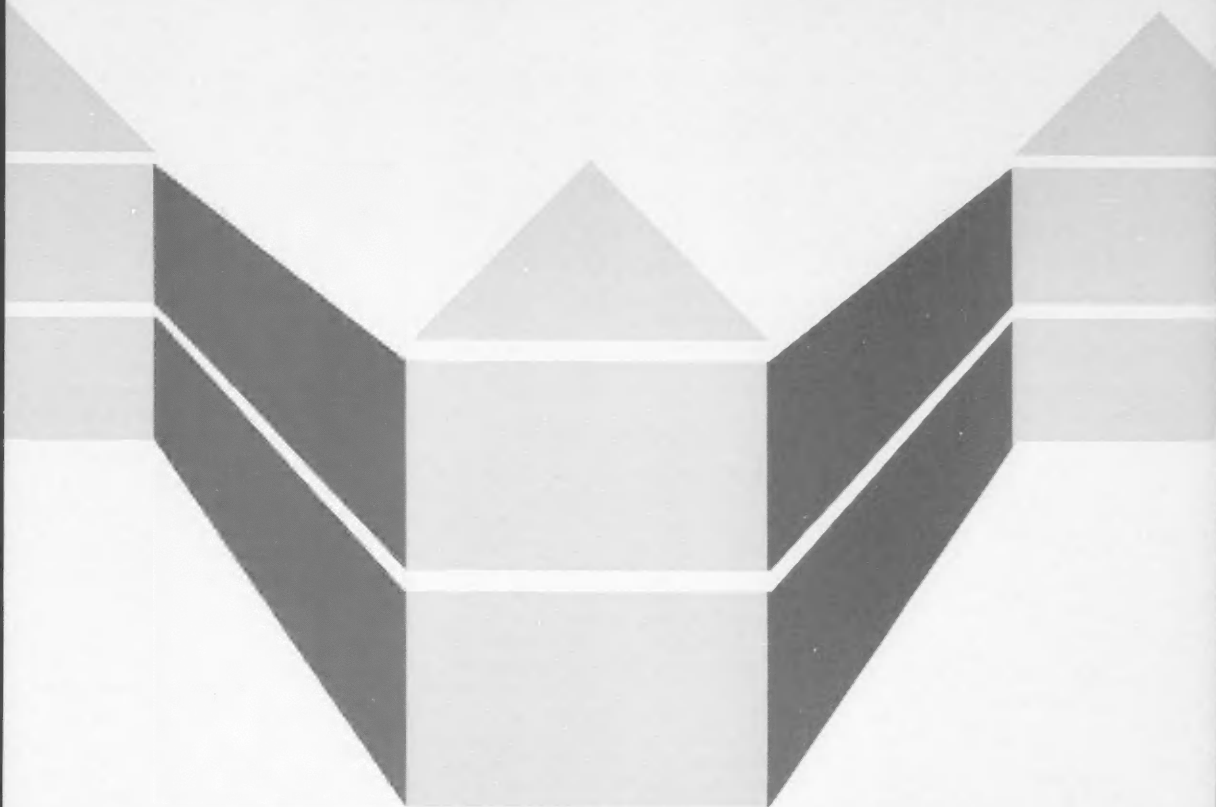
fair housing in a comprehensive manner, the community recognizes that it is taking affirmative steps to improve the status of fair housing and fair lending above and beyond those actions required of it under the Federal Housing Law, Title VIII of the Civil Rights Act of 1968, and Section 109 of the Housing and Community Development Act of 1974. Thus, the essence of the New Horizons Fair Housing Assistance Project is the marshalling of a community's resources, both public and private, to develop and implement a comprehensive and coordinated equal housing opportunity strategy.

With technical assistance and fair housing expertise being provided by HUD, a

community's potential benefits from a cooperatively developed comprehensive fair housing program are numerous. The community can ease minority housing problems; housing accessibility can ameliorate inequality of employment opportunities; free housing choice can help alleviate racially-impacted school districts; community-wide involvement can promote mutual understanding and the elimination of stereotypic thinking and its products, fear and intergroup hostility; overlap and duplication of fair housing efforts can be minimized; and a record of positive fair housing efforts and achievements can enhance opportunities for continued receipt of Federal funds. The multi-faceted strategy provides several benefits to participants, including the provision of a vehicle to help communities meet the requirements found in the Community Development Block Grant

program; the preparation of a strategy for increasing the choice of housing opportunity for low- and moderate-income persons; and planning and scheduling of fair housing activities that enhance compliance with fair housing requirements in Comprehensive Planning (701) Grants, Urban Development Action Grants, the Area-wide Housing Opportunities Program, and Section 8 Housing Program.

States, cities, counties, towns, and Regional Planning Agencies which are committed to developing a comprehensive approach to fair housing and which formalize that commitment by signing a Memorandum of Understanding with the Assistant Secretary for Fair Housing and



Equal Opportunity are eligible to participate in the Project. Officials of an eligible community or regional agency must contact HUD to indicate their interest in obtaining fair housing assistance. HUD's Office of Voluntary Compliance will present a Memorandum of Understanding to be signed jointly by HUD and the community. The Memorandum of Understanding is a brief document which establishes the voluntary relationship between HUD and the community for the purpose of promoting fair housing.

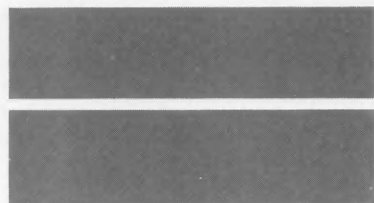
New Horizons is directed at the elimination of institutionalized discrimination through a task force-designed strategy. The community must appoint a Task Force which is composed of representatives of local interests that can be effective in advancing fair housing. Advocates of fair housing and civil rights, builders, real estate agents, appraisers,

lenders and landlords should be represented on the Task Force. The Task Force has the responsibility of assessing housing patterns in the community and developing a comprehensive fair housing strategy to promote and foster equal housing opportunity. The community designates an existing governmental agency to carry out those portions of the strategy requiring public sector action and coordinates housing-related activities of the private sector. HUD provides continuing technical assistance, fair housing expertise, and guidance in the development and implementation of a community's project.

Fair Housing Strategy

Developing and implementing a comprehensive fair housing strategy are

the primary functions of the Task Force. The strategy must accomplish both short and long range goals. The goals are determined locally, but they *must anticipate measurable results and must address the objective of expanded housing choice for minorities and women*. The goals should have targeted dates for accomplishment. The fair housing strategy *must include initiatives in four major areas, educational programs, assistance to minority families, local compliance and special programs*. A wide variety of activities may be initiated in pursuit of the goals; however, these activities must extend beyond required activities relating to assisted housing locations and to counseling and referral services for lower-income persons. It must be borne in mind, however, that the possibilities extend beyond those discussed and that a community's fair



housing endeavors are limited only by the imagination of the participants.

Educational Programs

This component is designed to inform and educate citizens, housing related industries and/or be incorporated into formal educational institutions (high schools). Advertising, pamphleteering and public meetings may be utilized to foster this awareness. Topics to be presented may include the content of fair housing laws, the impact of discriminatory housing practices and the benefits of fair housing efforts. The use of foreign languages should be considered when a significant number of citizens use languages other than English.

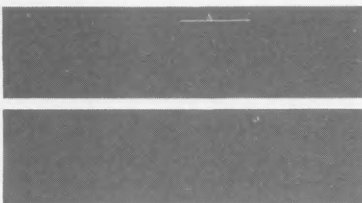
Assistance to Minority Families

This component is designed to assure that specific activities are developed for minority families. Examples are:

Counseling Services – Low-income and minority families are often limited in their housing choices by inadequate information regarding the sale and rental markets and the financial process. Their situation may be made even more difficult by the movement of employment opportunities away from traditional areas of available low- and minority-housing choices. Necessary housing information and counseling may be furnished by public or private, nonprofit agencies. Counseling activities lend themselves to assisting those who, because of institutionalized practices of the past, have been excluded from equal access to the entire housing market.

Examples of counseling activities include:

Mortgage Lending Counseling
Rental Maintenance Counseling



Referral Programs for Renters and Homeseekers
Budget/Credit Management
Foreclosure/Forbearance Assistance
Emergency Housing Assistance

Local Compliance Activities

Local compliance activities can include developing and enacting local fair housing laws or amending an existing fair housing ordinance, in order to obtain substantial equivalency with the Federal Law. The purpose of such an ordinance is to prohibit locally, all discriminatory housing practices and provide an administrative mechanism for redress of grievances arising from such practices. Although the Federal Fair Housing Law addresses these ends, a municipal ordinance substantially equivalent to the Federal Law can help attack housing discrimination at the community level, where the impact can be immediate.

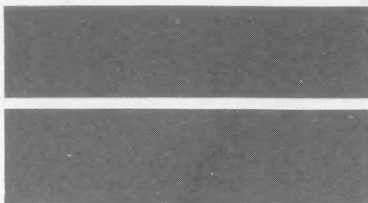
A new governmental body such as a Human Rights Commission may be created or an existing commission strengthened to enhance communities' involvement in fair housing matters. The Human Rights Commission could perform the functions assigned to the municipal government under the fair housing strategy.

Other activities that could be considered under this component are: investigating, auditing or reviewing activities of housing related industries. This includes: lending practices, realtor practices, insurance practices, personnel transfer policies of industry, and housing dispersal.

Special Programs

Examples of initiatives in this component are as follows:

Voluntary Agreements: Agreements cited below were negotiated at the national level but are designed to be implemented by



local real estate boards, homebuilders, and lending institutions. Those who sign a local Agreement pledge to expand the housing choices of homeseekers, to shape their procedures so as to preclude steering and other discriminatory housing practices and to train sales personnel in affirmative marketing techniques. Local organizations and their members should be encouraged to participate in the Agreements.

Voluntary Affirmative Marketing Agreements – Realtors/Home Builders

HUD has entered into Affirmative Marketing Agreements with the National Association of Realtors and the National Association of Real Estate Brokers, Inc. (Realists).

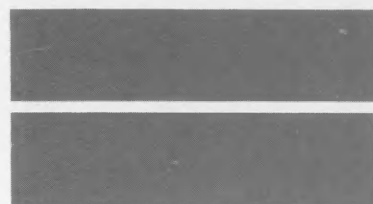
The Department has also developed an Affirmative Marketing Agreement with the National Association of Home Builders to cover the sales portion of home-building activity. The Agreement is similar to the Realtor/Realist Affirmative Marketing Agreement in its operative provisions. Homebuilder participation should be encouraged.

Voluntary Affirmative Lending Plans

Lending institutions can be asked to undertake affirmative measures aimed at providing equality of opportunity in housing financing. New regulations promulgated by the Federal financial regulatory agencies require lenders to focus increased attention on equal opportunity and community reinvestment.

Land Use and Housing Selection

Community Development Block Grants, Areawide Housing Opportunities and Comprehensive Planning (701) programs



all make reference to spatial deconcentration and planning, and call for accessibility in housing opportunities. Many communities have undertaken zoning studies and better land use planning techniques to assure open housing opportunities. Certainly, one of the activities planned by a community under New Horizons can be the development and adoption of policies aimed at achieving housing opportunities in all sections of a community.

Use of HUD Affirmative Marketing Plans in all housing development and construction activities (private as well as public) — can enhance integration of communities, ease fears and provide housing opportunities for all residents.

The successful development and implementation of a New Horizons Fair Housing Assistance Project requires that a community commit and marshal its resources, both public and private, to develop and implement a comprehensive and coordinated equal housing opportunity strategy. A community should look closely at its budgetary process to determine how best it can translate its financial resources into human purposes. If communities are committed to affirmatively furthering fair housing, fair housing activities must be included in competition with other claims for resources of the local government.

Funds are available for fair housing activities under several Federal programs. The following programs should be considered in funding implementation of local comprehensive fair housing strategies.

Community Development Block Grant

The largest Federal program of financial assistance for housing and urban

development makes money available to communities of every size, both urban and rural.

701 Program — Under Section 701 of the Housing Act of 1954 (as amended by the Housing and Community Development Act of 1974) States and Regional Agencies may be assisted in a broad range of planning and management activities. The comprehensive planning contemplated by this program is an ongoing process through which needs are determined and long term goals set for land use, housing and community facilities and improvement of the living environment.

Areawide Housing Opportunities Program

Planning organizations embracing more than one political jurisdiction may be aided in addressing areawide housing assistance needs and goals with the objective of providing for a broader geographic choice of housing opportunities for lower-income households outside areas heavily impacted by low-income and minority residents.

State and Local Fiscal Assistance Act of 1972, Title I

Fair housing activities are fundable by general revenue sharing as either social services for the poor and aged or public safety.

Comprehensive Employment and Training Act of 1973

Activities in support of fair housing goals are arguably included under the definition of public service, as housing and neighborhood improvements and public safety.

The Social Security Act Amendments of 1974, Title XX

Eligible funding activities can include researching available housing services.

Older Americans Act of 1965

Problems associated with independent living, reduced income and mobility are fundable fair housing activities.

Intergovernmental Personnel Act of 1970, Title IV

This statute makes it feasible and convenient to temporarily assign skilled people between units of government when a real need exists. It offers a source for acquiring excellent fair housing expertise.

Higher Education Act of 1965, Title III

This funding source can offer a multi-disciplinary approach to open housing by including fair housing activities such as legal assistance from a community's law school, housing advertisement research from the journalism department, or sociological research from a social science department.

Funding for fair housing activities is available from private sources. Businesses have a variety of reasons for contributing money and/or personnel time. These range from social responsibility concerns to pure self-interest. In all cases, there is some benefit to the business as a result of its fair housing contribution. Businesses should be shown the reciprocal advantages of fair housing and drawn into a New Horizons Project at the earliest stages.

Mr. Mason is an Equal Opportunity Specialist, HUD Office of Voluntary Compliance. He is responsible for coordination of the New Horizons Fair Housing Assistance Project.

The Meaning and Challenge of Fair Housing

by Eleanor Clagett

As is usual with broadly stated goals, the achievement of fair housing means different things to different individuals, groups, and indeed communities across our country. So far, attempts within HUD and elsewhere to define uniform fair housing standards have not attained fruition. Not a small reason for this is that there is still substantial disagreement in the body politic as to what the sum and substance of fair housing is. What does equal opportunity in housing — fair housing — mean? Does it mean merely to overcome discrimination for middle- and upper-income minorities, so that they might have freedom of choice to live outside as well as in traditionally segregated communities? Or is it more closely related to opening up mortgage and rehabilitation financing in neighborhoods traditionally redlined by the housing finance industry? Does it mean equal access to homeownership opportunities for women who desire to own, rather than rent, their homes? Does it mean providing all types of housing assistance to all people regardless of income, so that they might have a decent house in which to live? And does it relate only to the quality of the housing unit

itself or apply equally to the character of the neighborhood? Are there fair housing considerations in the selection of sites for subsidized housing, or only in the occupancy patterns achieved, once the housing is completed?

The major benefit of local and State fair housing ordinances has been realized by middle- and upper-income minorities who have the means to purchase or rent housing in a wide range of neighborhoods. Middle- and upper-income women too have benefitted from the enforcement of these laws, obtaining mortgage credit as heads of households or having their earnings considered in rental and/or sales transactions. These are important benefits guaranteed every American under the Constitution.

That stronger laws and better means of enforcement are a continuing need, however, is evident from the results of a Housing Market Practices survey conducted for HUD by NCDH, utilizing the services of a number of local fair housing organizations. In June and July 1977, in 40 metropolitan areas across the country, 300 blacks and 300 whites, in pairs, shopped for housing advertised in their local newspapers. Their task was not to rent or buy but to gather information





about the extent of discrimination in American housing today. The study bears out that widespread discrimination is still a problem in this country. It found that blacks have a 48 percent chance of encountering discrimination in the process of purchasing a home and an 85 percent chance when seeking rental housing. However, enforcement of equal housing opportunity laws has done relatively little to benefit lower-income minorities and women.

For this group, and particularly minority lower-income women, discrimination in the housing market takes on a complexity not found in the problems facing higher income minority families seeking a home. The economic aspects of housing discrimination arise in the deliberate exclusion of low- and moderate-income



housing for poorer families from residential areas in which middle- and upper-income families live. Another manifestation is seen in wholesale renovation of an old, central city neighborhood from which poorer residents are expelled with often no place to relocate as the housing turns over to middle- and upper-income occupancy.

While many persons who justify segregation by class would not admit to racist attitudes, for the large proportion of minority persons who are poor, the distinction is academic; the effects of either type of discrimination are the same. The combination of racial, sexual, and economic discrimination in housing relegates poor minority women to poverty more pervasive in many respects than that experienced by any other group in the Nation. Visits to some of the older public housing projects in our large cities confirm this assessment.

Exclusion of housing for poorer families in some suburban communities is often attributed to opposition to possible increases in or diversion of tax monies to pay the welfare, education, and other costs of essential public services to low-income families. In many instances, however, such opposition serves to conceal fears and prejudices about the perceived behavior and lifestyle of poor families whose presence in working-class and middle-class neighborhoods is considered a threat to the neighborhood environment. This is seen in zoning and other practices that dictate, for example, minimum lot size or maximum size of multifamily units within a particular jurisdiction. In the minds of many, it appears that there is a belief that middle- and upper-income families "carry their



own weight" in terms of providing the dollars to cover the cost of the services and facilities they use. Nothing could be further from the truth, in a 1975 edition of *ADA World*, Cushing Dolbear stated that the average tax subsidy received by families with incomes below \$3,000 was \$23; the average for families with incomes above \$100,000 was \$2,499.

Until relatively recently, the Federal Government, and particularly HUD and its predecessor agencies, allowed local initiative in these areas full sway in determining the character of community development. While Federal policy may have become more enlightened in some respects, it is crucial to remember that the effects of these policies occurred at a time of tremendous urban growth in the late 40's, 50's and 60's and set a pattern that is still being followed in large part today.



What then can be done to achieve equal housing opportunities for lower-income minorities and women in this country?

One approach, and a major one, must clearly be at the Federal level. Teeth must be inserted into the policies and regulations governing the allocation of all Federal funds to metropolitan communities, in particular. For nearly all such funds impact directly or indirectly on urban development in its broadest sense. The community that does not want HUD funds often wants EDA funds for a sewage treatment plant or U.S. Dept. of Interior funding for a park.

Remedies on Local Level

One solution calls for counseling at the local level to promote divergence of locational choice. Some Public Housing Authorities have initiated this kind of service for families in Section 8 housing. Other assisted programs can be implemented in order to provide choice. They include scattered site single-family properties in a variety of neighborhoods, especially units for larger families; and construction of limited-subsidy projects in which no more than 20 percent of the units are available for occupancy of Section 8 tenants.

These efforts should be part of an educational program to make everyone aware of and responsive to the clear social and economic benefits accrued when a community is made up of viable, socially and economically mixed neighborhoods, with no "set aside" for the poor. No quadrant or major section of a city can exist as an exclusive domain of the well-off, without isolation of the poor.

Concomitantly, efforts must be made to revitalize neighborhoods that have been permitted through public and private actions — and inactions — to decline. Revitalization should be planned and executed to assure that where only commercial uses and higher-income

housing might ordinarily make their appearance as neighborhoods are recycled, housing opportunities for low- and moderate-income families are planned in the revitalization process. On the other hand, revitalization of heavily impacted lower-income neighborhoods should be structured so that the housing, community facilities, and services for low-income families are improved; and that housing attractive to middle-income families is introduced. Along with these efforts, it is essential to direct private and public resources toward building an economic base in such areas in order to reduce unemployment and underemployment and to provide business opportunities as well.

In addition to such initiatives, in which HUD and other Federal agencies can be a partner with local planning and development efforts, there are other actions which local governments can take to promote a viable urban environment. The aim should be to encourage in sufficient numbers socially and economically integrated neighborhoods to characterize a given housing market as inclusive rather than segregated along lines of race and income. Zoning ordinances and building codes can be enforced to assure that housing for families at all income levels is provided in newly developed (and redeveloped) areas; and that the conversion of existing buildings to condominiums and cooperatives results in retaining a portion of the units in each complex for lower-income families.

Then there are examples in which people have organized to create integrated neighborhoods; most often these have emphasized racial integration and not economic integration.

I am a small part of an effort in Washington, D.C. to retain low-income housing opportunities in a neighborhood that has undergone substantial private revitalization. Single-family homes in this area have skyrocketed in value to well

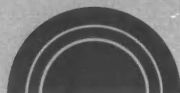
over \$100,000 in many instances, and the area is becoming increasingly white. Since 1973, Jubilee Housing, Inc., a nonprofit organization started by members of the Church of The Saviour in Washington, has acquired approximately 200 units of multifamily housing in this area, and is in the process of converting these units to low-income cooperative-housing. Funds for purchasing the buildings and for all of the initial rehabilitation came from private sources. Most of this work, entailing well over 250,000 hours of labor, was done by unpaid volunteers and tenants of the buildings. Recently, after the efforts of Jubilee became generally known, public funding for further rehabilitation was received. We have found that commitment of time and energy to the process is the single most important ingredient needed, and the hardest to get from the larger community. Funds from private donors have exceeded even our highest expectations.

The wide range of activities that are necessary to achieve fair housing requires participation from all elements of our national community.

We in the Office of Fair Housing and Equal Opportunity are making a concerted effort to assure that the application of fair housing standards in HUD programs is consistent and fair. In this respect, I don't believe we have erred on the side of the angels. It is significant that of the lawsuits charging a Federal agency with failure to carry out a specific section of its responsibilities under a program, there are none that charge excessive zeal in seeking fair housing. Were such a charge to be upheld in a court of law, it would be a sign that the Federal government means business.

Ms. Clagett is Director, Division of Program Standards, Office of Program Standards and Evaluation, FH/EO.

Looking Ahead



Earth Day '80

April 22 is an historic date.

Ten years ago on that date, millions of citizens demonstrated their support for a change in this Nation's values. They added momentum to a movement that had its ideological roots before the turn of the century, but which had failed to reach prominence in our national agenda. Few people who participated in the activities that day realized the profound and exciting effect their actions would have on society. For they had launched no less than a sweeping reordering of the way this country does business.

Since the first Earth Day, we have been confronted with an energy crisis that assaults our environment and our economy. We are at a crossroads where the energy choices we make now will determine what kind of national heritage we leave to future generations. The state of the economy, with its inflation and recession, gives detractors an opportunity to press for the setting aside of pollution controls and resource protection standards until more favorable conditions prevail — as if environmental protection were an economic luxury instead of a social responsibility to ourselves. As an election year, 1980 has special importance since candidates running for all levels of office formulate policy that will shape the course of the new decade. A national display of support for environmental values on Earth Day could impose those issues on every candidate's agenda.

Events and activities are planned that will spotlight streams and rivers that now support fish where none lived ten years ago. Urban gardens, rising from what once were rubble-strewn lots, will be the site of neighborhood fairs. Open houses will be held at nature centers that educate people to the value of wildlife. Inner-city parks will hold mini-nature hikes. New factories that have been designed to minimize insults to the environment will have guided tours for local residents. Conferences and town meetings will take place where citizens will discuss the environmental issues that still confront their community.

People are organizing events that are suited to their particular community. Already, efforts are underway in almost every State in the Nation. Here are a few:

Portland, Ore.: In a waterfowl park created by citizen action, a day-long fair will be held with exhibits, speakers, and concerts. An environmental film festival will be held at the Museum of Science and Technology. The following Saturday will be "Garbage Day" in Portland, focusing on the issues of solid waste and recycling.

Baltimore, Md.: The Baltimore Environmental Center will host a statewide conference on "Environmental Issues: A Look at the Past Ten Years and a Look at the Coming Ten." In College

Park, at the University of Maryland, a week-long Earth Day '80 celebration will be held with special emphasis on energy and the environment. Activities all week include speakers, seminars, films, and a crafts fair.

Pittsburgh, Pa.: The Carnegie Museum of Natural History will sponsor Earth Week '80, featuring lectures, major speakers, and special activities aimed at school groups and families.

Butte, Mont.: The National Center for Appropriate Technology will be holding an open house with demonstrations of small-scale technology developed in the last decade. In ten other Montana towns and cities the Alternative Energy Resource Organization will sponsor presentations and workshops on new, environmentally-sound energy resources and conservation.

Jersey City, N.J.: A sunrise celebration at Eagle Rock, overlooking the Manhattan skyline, will kick off day-long events at Liberty Park. April 22 is the tenth anniversary of the New Jersey Department of Environmental Resources, which will be focusing on coastline issues in conjunction with Year of the Coast activities.

Concord, Mass.: Week-long activities will include special environmental curricula in public schools, workshops, and field trips with special attention given to drinking water issues of the community and the impact of hazardous wastes.

Fresno, Calif.: The First National Recycling Conference will be held April 21-24 to gain perspective on what has developed in the last ten years in recycling and what needs to be done in the future. Further south the San Diego State University Center for Appropriate Technology will hold an Earth Day '80 fair with a skate-a-thon to raise money for the center.

Memphis, Tenn.: The Orpheum Theatre, a turn of the century vaudeville showcase at the head of historic Beale Street, will host an open house. This great architectural masterpiece has been saved by citizen action and serves as a cultural magnet in downtown Memphis.

If you have an environmentally-related activity planned during late April or early May, why not move it to April 22 to give more attention to the efforts?

Obviously, there are different kinds of events and activities that will be part of Earth Day '80. Only a few are mentioned here. If you have ideas or would like to help organize something please contact the National Earth Day '80 Office. The address and phone are: Earth Day '80, 1638 R Street, N.W., Washington, D.C. 20009, (202) 293-2550.

*Mike McCabe
Earth Day '80 Office
Wash., D.C.*

VIII

New Directions in Title VIII Enforcement

by Gordon L. Joyner

When former Secretary Patricia Roberts Harris appointed Sterling Tucker as Assistant Secretary for Fair Housing and Equal Opportunity in January of 1979, the primary responsibility for Title VIII enforcement was located in the Office of Fair Housing Enforcement and Contract Compliance. The Contract Compliance function, however, had been transferred to the Department of Labor and the Office had a single division which handled all aspects of enforcement of the Federal Fair Housing Law — both internally and externally through referral and monitoring

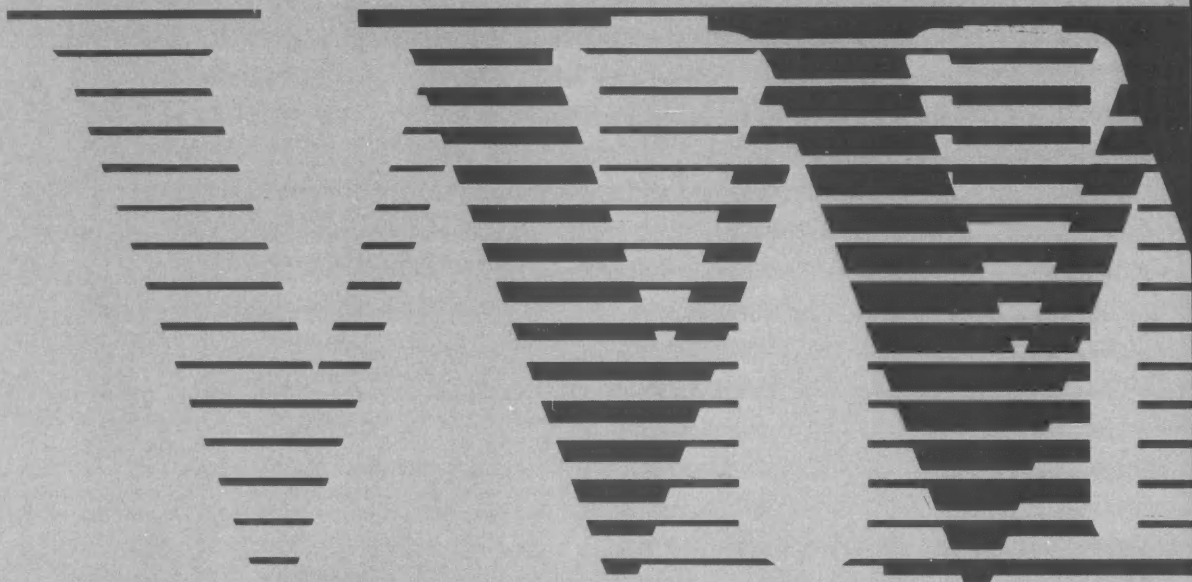
activities with State and local agencies. With this divided responsibility, the Division could not effectively focus upon either aspect.

In conjunction with an overall reorganization of the central operation of the fair housing program and the creation of the post of Associate Deputy Assistant Secretary for Enforcement and Compliance, the Office of Fair Housing Enforcement and Section 3 Compliance came into being through the addition of a sister division to the Fair Housing Enforcement Division — the Federal, State and Local Programs Division. This Division was established to focus on expanded activities with State and local fair housing enforcement agencies and private fair housing groups, as well as relationships with other Federal agencies having fair housing responsibilities.

This new organization is key to expediting implementation of the overall goal of a comprehensive and cohesive strategy for fair housing enforcement. With a clearly

identified focus, the Fair Housing Enforcement Division has been able to effectively develop innovative complaint-processing procedures. Already, two important new initiatives are underway in five regions — Rapid Response Complaint Processing (RRP) and Systemic Units. These initiatives, in conjunction with the long-established regular complaint processing procedures, enable HUD to treat each complaint individually and accord it the treatment that will most effectively carry out the purposes of Title VIII.

The RRP is keyed to identification of complaints susceptible to early, informal conciliation prior to investigation and aimed at providing immediately the housing sought by the complainant. The second initiative, Systemic Units, has established specially trained units of attorneys and investigators who will focus solely upon cases where systemic



discrimination appears to exist. In addition to their potential impact as a deterrent to large-scale discrimination, these units will help to develop a comprehensive data base for sharing complaint information with State and local agencies, and provide the Department of Justice with data and investigative technique which will lead to effective legal action and will develop data which can form the basis of community-wide compliance reviews. Complaints which are not identified for RRP or Systemic processing will continue to be handled through regular procedures, but staff resource reallocation will permit a greater degree of technical assistance to the regions and closer monitoring of case processing activities by central office staff.

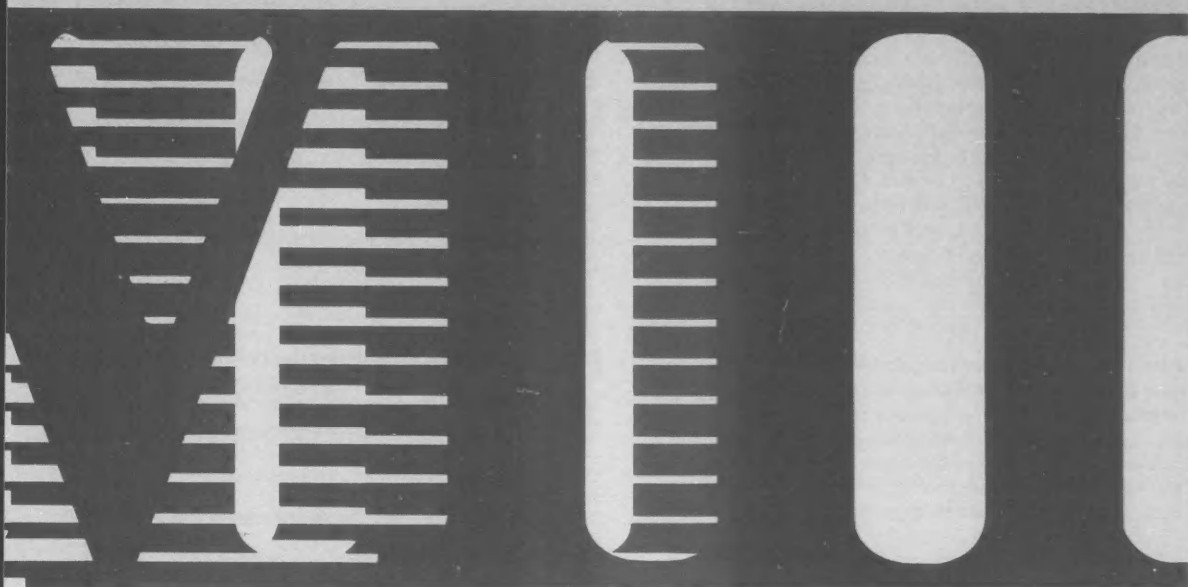
The Federal, State and Local Programs Division has responsibility for three basic types of relationships – relationships with State and local fair housing enforcement agencies, enforcement-oriented activities with local private fair housing groups and cooperative relationships with other

Federal agencies having fair housing responsibilities.

Relationships with State and local fair housing enforcement agencies had been tenuous since the passage of Title VIII. The statute directs that wherever a State or local jurisdiction can provide rights and remedies substantially equivalent to Title VIII, HUD should give such agencies the first opportunity to process complaints of housing discrimination. It also authorizes HUD to reimburse agencies for services rendered, but HUD's budget never included an appropriation for such financial assistance. Understandably, there was little interest on the part of localities to pursue substantial equivalency recognition in the absence of such incentive.

An important breakthrough for expanded relationships and increased cooperation

with State and local jurisdictions was the appropriation of \$3.7 million in fiscal year 1980 for a Fair Housing Assistance Program. This program enables the Office of Fair Housing and Equal Opportunity to financially assist State and local fair housing agencies and support the expansion of their enforcement capabilities. Criteria and guidelines which implement the program have established a distribution of resources to fund capacity building, training and technical assistance, data and information systems and innovative projects. In order to be eligible to participate in funded programs, an agency must be certified as substantially equivalent pursuant to Title VIII and 24 CFR Part 115 – Recognition of Substantially Equivalent Laws. Until recently, only 22 States and the District of Columbia had such recognition. Now that the FHAP is underway and a special Division exists to work closely with State and local agencies, there has been a tremendous upsurge in interest. Five more



States and 10 additional localities will be granted recognition by the end of the year, with more to come.

Considerable activity has occurred in the negotiation of new or revised Memoranda of Understanding between HUD and State and local agencies and Cooperative Agreements are being executed with program participants.

In the second area of responsibility – cooperative enforcement activities with private fair housing groups – a significant project is already underway. The Office of Fair Housing and Equal Opportunity has joined with the Office of Policy Development and Research in a joint fair housing enforcement demonstration project. This project has awarded cooperative agreement grants to nine local fair housing groups to undertake specific

activities such as: assistance to individuals filing complaints under Title VIII; planning and design of fair housing studies; and information and education campaigns. Those State agencies having concurrent jurisdiction with HUD over the areas where the demonstration is occurring are also partners in a tripartite arrangement to share information and activities with each other. It is expected that in the future, such activities will become an ongoing part of the fair housing enforcement effort.

In relationships with other agencies, steps are underway to strengthen already existing relationships. HUD has recently held meetings with the Department of Justice to discuss arrangements for pursuing patterns and practices of discrimination disclosed by the Systemic units and by fair housing studies. Efforts are well underway to issue substantive regulations to reestablish HUD's primacy and leadership of fair housing enforcement in Government and provide a basis for

renewed efforts by other agencies.

The actions outlined above are a partial inventory of measures planned and underway in the Office of Fair Housing Enforcement and Section 3 Compliance to strengthen Title VIII enforcement. We recognize that housing discrimination can not be ended by HUD alone and we are reaching out to enlist the cooperation of all sectors – Federal, State and local, public and private – to make freedom of choice in housing a reality.

Mr. Joyner is Acting Director, Office of Fair Housing Enforcement and Section 3 Compliance.



HANDI-TAP is a national technical assistance project sponsored by HUD's Office of Independent Living for the Disabled. The project focuses on the critical need to improve the housing opportunities for disabled individuals. It has three phases: a seminar series, a demonstration project and communication program. As part of the seminar phase, 2½-day Regional seminars (free of charge) are being held throughout the country. Registration is required. Register by contacting the National Training and Development Service, 400 North Capitol St., N.W., Suite 390, Wash., D.C. 20001. For general information about HANDI-TAP, call Joyce Sherwood, HUD Office of Independent Living for the Disabled (202) 755-7366.

"Movin' Up" is the newly-released HUD-sponsored film on home buying under the Mutual Help Indian Housing Program. Created to fill a longstanding need for counseling of participants and potential participants in the program, "Movin' Up" has already won a top award at the International Film and TV Festival. The film was produced by the Sac and Fox Indian Housing Authority under a HUD grant.

In a 3-month experiment under the Intergovernmental Personnel Act, a Denver Housing Authority project manager and a Housing Management Officer from the HUD Denver Regional/Area Office are exchanging jobs. Since October, Veronica Rodriguez from HUD and Kerry Gubits from the Housing Authority have been looking at "how the other half lives." Veronica, whose permanent job with HUD is to monitor the management operations of housing authorities in the Region, is now on the firing line - collecting rents, exterminating roaches, and evicting tenants. Kerry, on the other hand, is interpreting regulations for PHA's that often find HUD handbooks complex and confusing. A full report on the "findings" of this experiment will appear in a later issue of *Challenge*. If this exchange is successful, other employees in the HUD office will have opportunities for this special kind of professional development.

Increasing Housing Opportunities in the Suburbs: Programs that Work is the title of a series of regional one-day workshops to be sponsored by the Suburban Action Institute under a cooperative agreement with HUD. The workshops will be held: April 12th in San Francisco, Calif.; April 23rd in Pittsburgh, Pa.; and, April 30th in Milwaukee, Wis. One focus of each of the workshops will be examination of successful programs to increase housing for low- and moderate-income people in suburbia.

HUD Secretary Moon Landrieu announced in February the selection of 35 small cities to receive more than \$32.6 million in Urban Development Action Grants. The public/private development projects are backed by more than \$180.2 million in private financial commitment to help create new jobs, revitalize industry and commercial activities, and build the local tax base.

The awards, the first for small cities in 1980, will save 1,200 existing jobs, create jobs for 2,742 construction workers, and when the projects are completed - most in 2 or 3 years - create 6,777 new permanent jobs in the private sector.

HUD's new Assistant Secretary for Legislation and Intergovernmental Relations is H. Dicken "Dick" Cherry, a former member of the Texas House of Representatives (1961-67) and Director of the National Center for Municipal Development. Cherry will be a principal adviser to Secretary Moon Landrieu and provide services to Congress covering all programs of HUD.

Thirty-one States will participate in a demonstration program that allows persons with chronic mental illness to lead more normal lives. The participating States will use HEW Medicaid and other Social Security Act program funds for support services in residential facilities. Under this year's funding, HUD is making \$25 million available in direct loans for construction or substantial rehabilitation of group homes or small apartment buildings.

Morton H. Leeds, expert on the elderly who has held several housing management position in HUD and its predecessor agency, was recently appointed Special Assistant to Secretary Landrieu for Elderly Housing and Special Programs. During the past year, Dr. Leeds directed a HUD Task Force created to implement the Congregate Housing Services Program for the elderly. He has written extensively, including seven published books, three of which are on the elderly.

Earth Day 1970 marked the beginning of a new national commitment to environmental quality. April 22, 1980, the tenth anniversary of Earth Day, will be used to celebrate the achievements and new commitments to environmental goals for the 1980's. As the foremost urban-oriented Federal agency, HUD will play a lead role in Earth Day '80 activities. In his Earth Day proclamation, President Carter placed special emphasis on "community activities and educational efforts directed to protecting and enhancing our lifegiving environment."



The Fair Housing Assistance Program

by Steven J. Sacks

It was one year ago this month that the Assistant Secretary for Fair Housing and Equal Opportunity, Sterling Tucker, in describing his plans for a revitalized national fair housing program, stated to Congress: "Most important of all, we plan to implement a Fair Housing Assistance program, as authorized by Title VIII of the Civil Rights Act of 1968, to strengthen and assist State and local governments in processing complaints of discrimination filed with HUD. . . This program will provide State and local agencies with a financial incentive and assist in developing their capability to handle complaints speedily and effectively."

Mr. Tucker's emphasis on the importance of the Fair Housing Assistance Program reflects his desire, and that of the Department, to forge a strong and coordinated effort on the part of fair housing enforcement agencies at all levels of government, Federal, State, and local.

The Fair Housing Assistance Program will provide \$3.7 million in financial aid from HUD's Office of Fair Housing and Equal Opportunity to State and local fair housing enforcement agencies which have been recognized by HUD as being "substantially equivalent."

Historically "Poor" Relationships

Title VIII of the Civil Rights Act of 1968 (The Federal Fair Housing Law) has always provided for close working relationships between HUD and State and local civil rights agencies. Section 810 of the Act requires that HUD provide such

agencies, where they enforce laws or ordinances "substantially equivalent" to the Federal statute, first opportunity to process any complaint alleging a discriminatory housing practice. Section 816, moreover, clearly directs the Secretary of HUD to cooperate with State and local fair housing enforcement agencies, and empowers the Secretary to reimburse such agencies for services which they render to the Secretary in enforcing the Act.

These expressions of Congressional intent notwithstanding, however, the history of HUD's relations with State and local agencies engaged in fair housing enforcement is a dismal one. The process of complaint referral mandated by Title VIII was refined by the Department through regulations in the early 1970's. The Office of Fair Housing and Equal Opportunity, working with the Office of the General Counsel, clarified the meaning of the phrase "substantially equivalent," and established clear criteria which had to be met by State and local laws and agencies before HUD would grant them recognition. In this way the Department established a foundation upon which it could rest future relationships with State and local agencies. Unfortunately, this regulatory authority and guidance were not matched with a concomitantly allocation of financial resources. Those State and local agencies recognized as equivalent by HUD were already heavily burdened with their own complaint workloads. Most of these agencies are charged with responsibility for combatting discrimination in employment and public

accommodations as well as in housing. Without Federal financial support, they simply lacked the capacity to absorb an additional workload from HUD. Thus, in most locations the referral process developed into a pro forma ritual, with HUD referring complaints to State and local agencies, only to recall these same complaints a month or two later for Federal processing. In one year alone HUD had to recall over 50 percent of the complaints it had referred to State and local agencies.

In light of this experience, and aware of the positive results which the Equal Employment Opportunity Commission had obtained by providing funding to State and local agencies for processing employment complaints, HUD sought a Congressional appropriation to assist State and local agencies in enforcing fair housing laws. The \$3.7 million Fair Housing Assistance Program is the result of that request.

Components of the Program

The Fair Housing Assistance Program is comprised of four basic categories of funding. These are:

Contributions – The Department intends to provide support for State and local agency complaint-processing efforts. It is the Department's intent following the first 2 years of program operation within an agency, to provide contributions to State and local agencies on the basis of the number of housing discrimination complaints successfully resolved by the agency. In the first 2 years, however, it will be necessary to provide a contribution based not entirely upon the projected number of complaints, but of sufficient size to allow the development

or enhancement of the resources and program necessary to put in place an effective approach to the elimination of discriminatory housing practices. In this fashion, the Department can provide sufficient support to enable development of the initial capacity and, in later years, assure that its contribution is commensurate with and geared toward the maintenance of that capacity to resolve housing complaints.

Training and Technical Assistance – Training of personnel is an essential element in administering an effective State and local fair housing program. In order to assure consistency in administration of, and approaches to, fair housing enforcement, part of the training component of the Fair Housing Assistance Program will be used to cover the expenses associated with providing training for State and local agency personnel. This training will be administered by the Office of Fair Housing and Equal Opportunity. The Department is developing training modules, including texts, visual aids, and case and exercise notebooks, as part of this responsibility. The other part of this component will be made available to agencies based upon acceptable proposals for specific training needs as well as for technical assistance projects.

Data Systems – This program component involves support for the development of various kinds of data and management systems necessary for effective program management. Support will be provided for those State and local agencies which do not already have such systems to develop complaint monitoring management and information systems which will enable them to determine the status of all complaints in their inventory. This component will also provide support to develop systems to compile and assess other indicators of the nature and extent of discrimination within the jurisdiction. In addition, this program component will be used to fund computerized word

processing systems to assist State and local agencies in assessing procedures, concepts, investigation models, previous existing case authority and successful approaches for securing appropriate remedies as part of their investigation, conciliation and/or administrative hearing activities.

Innovative Projects – A portion of this component would be used to fund model projects proposed to HUD by State and local agencies which could be replicated, if successful, by other agencies. This fund would also involve small amounts to develop improved administrative processes or legal authorities to strengthen an agency's overall enforcement capacity. A third use would be to assist those State and local agencies which have proposed innovative projects aimed at systemic or institutional discrimination within their jurisdiction.

Future Goals

The Fair Housing Assistance Program is the first key step in developing what the Office of Fair Housing and Equal Opportunity hopes will become a nationwide concern for equal housing opportunity. With this initial funding we at HUD plan to expand the cooperation between Federal civil rights officials and our counterparts at the State and local levels. From this beginning, it is expected that cooperative activity to ensure fair housing will spread to encompass other agencies of government, private institutions, and finally, the public-at-large.

Mr. Sacks is Director of the Federal, State and Local Programs Division, Office of Fair Housing and Enforcement and Section 3 Compliance.

Lines & Numbers



Spending for FY 1981 is expected to be \$11.8 billion compared to \$11.6 billion estimated for the current fiscal year. Budget authority requested for 1981 is \$40.4 billion, compared to \$35.7 billion for 1980. The major increase in the 1981 budget

authority is \$5.2 billion that will enable HUD to fund 300,000 subsidized housing units, 60,000 more than the 1980 estimate. The 300,000 units include 258,000 for Section 8 and 42,000 public housing units, including 4,000 units for Indian housing.

Proposed HUD Budget, Fiscal Year 1981 (October 1, 1980 - September 30, 1981)

Departmental Totals (Dollars in Millions)	Actual 1979	Estimate 1980	Estimate 1981
Budget Authority	\$ 31,134.6	\$ 35,687.2	\$ 40,408.0
Budget Outlays	9,213.0	11,636.2	11,776.1
Section 8 and Public Housing			
Contract Authority -			
Enacted or Proposed	1,322.3	1,140.7	1,553.7
Unit Reservations	325,075	240,392	300,000
Unit Starts	175,119	180,000	176,000
Units Eligible for Payment	3,031,979	3,253,000	3,477,000
FHA Insurance Outstanding	105,132.0	114,933.0	125,362.0
Mortgage-Backed Securities	70,558.4	85,475.8	104,375.8
Permanent Full-			
Time Employees	16,067	15,956	15,986

HUD Budget Authority (Dollars in Millions)

Major Elements			
Housing			
Annual Contributions	\$ 24,434.0	\$ 26,719.7	\$ 31,941.8
Add-On for Taxable			
Financing	---	---	1,287.3
Operating Subsidies			
(Public Housing)	727.0	794.1	862.0
Congregate Services	10.0	10.0	---
Flexible Subsidy	74.0	79.5	41.1
FHA Fund	391.0	286.0	262.8
Elderly and Handicapped	786.0	803.2	780.1
Rescissions	-604.3	-80.0	-1,050.0
GNMA			
Section 8 and Targeted			
Tandem	500.0	1,822.3	662.1
Community Planning and			
Development			
Community Development			
Grants	3,650.0	3,800.0	3,950.0
Financial Settlement Fund	100.0	100.0	---
Urban Development			
Action Grants	400.0	675.0	675.0
Comprehensive Planning			
Grants	53.0	42.5	40.0
Rehabilitation Loans	231.8	135.0	188.0

All Other			
Housing Counseling			
Assistance	9.0	9.0	10.0
Neighborhood Self-Help			
Development	5.0	10.0	15.0
Research and Technology	57.0	49.6	54.0
Fair Housing Assistance			
Program	---	3.7	5.7
Other	310.9	427.6	683.1
Total Budget Authority	\$31,134.6	\$35,687.2	\$40,408.0

Budget Outlays (Dollars in Thousands)	Actual 1979	Estimate 1980	Estimate 1981
Housing Payments	\$3,559,120	\$ 4,372,000	\$ 5,494,000
Community Development			
Grants	3,161,229	3,500,000	3,805,000
Urban Development			
Action Grants	73,167	180,000	365,000
Public Housing Operating			
Subsidies	653,584	720,000	811,000
Housing for Elderly			
or Handicapped	459,382	700,000	700,000
Special Assistance			
Functions	57,532	658,532	179,661
Urban Renewal Programs	281,099	241,875	170,000
Emergency Mortgage			
Purchase	270,733	489,850	-423,800
Rehabilitation Loans	100,322	170,000	190,000
Troubled Projects	-11,972	42,200	103,200
Comprehensive Planning			
Grants	61,613	56,000	45,000
Research and Technology	63,555	54,690	53,570
New Communities	31,155	39,008	40,611
Mortgage Insurance Programs	192,848	148,094	-70,500
All Other Outlays	259,615	263,957	313,390
Net Budget Outlays	\$9,212,982	\$11,636,206	\$11,776,132

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